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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,687	05/31/2001	Patricia Kesling	XMS-102	8151

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EXAMINER	
DEAN, RAYMOND S	

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/867,687	KESLING ET AL.	
	Examiner	Art Unit	
	Raymond S Dean	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/01,3/02,1/03,504*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 19, 2004 have been fully considered but they are not persuasive.

Regarding Claim 1, Applicants state on Page 10 lines 9 – 15 of the Remarks that "Logan does not involve broadcasting....". Examiner respectfully disagrees with the applicant. Logan teaches an audio program player that plays audio broadcasts. The content such as advertisements are selected by content providers and broadcast to the to the player (See Logan Column 11 lines 4 – 15 and Column 40 lines 18 – 20). Applicants assert on Page 11 lines 1 – 4 of the Remarks that "Accordingly, there can be no charging....". Examiner respectfully disagrees with the applicant. Logan further teaches charging a fee for said advertisements, which are broadcast, based on the number of times an advertisement is accessed. The advertisements are accessed because the user has interest in the product or service that is advertised thus the number of times said advertisements are accessed is the quantity of indications (See Column 11 lines 4 – 15, Column 40 lines 18 – 20, Column 21 lines 33 – 50).

Examiner agrees with applicants' assertion on Page 10 lines 17 – 19 of the Remarks that Logan does not teach the "receipt of a quantity of electronic....". Noreen, however, does teach receiving a quantity of electronic indications from persons who observe the advertisement, wherein the indications indicate interest in the product, and wherein the indications reference the identifier (Column 13 lines 33 – 67).

Noreen and Logan both teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fee charging method taught above by Logan in the digital audio broadcast system of Noreen for the purpose of allowing the user of said radio to "surf" through selections while listening to minimal information per segment without incurring subscription charges or generating advertising fees or royalty payments as taught by Logan.

Regarding Claim 18, Examiner agrees with applicants' assertion on Page 11 lines 11 – 13 "as the royalty fee discussed ...". Examiner made an error in stating that the royalty fee is the sponsor fee. Examiner meant to state that the advertising fee is the sponsor fee as shown in Column 21 lines 33 – 37. Noreen, however, does teach receiving a wireless order message to buy a product of a sponsor (Column 13 lines 33 – 67).

Noreen and Logan both teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fee charging method taught above by Logan in the digital audio broadcast system of Noreen for the purpose of allowing the user of said radio to "surf" through selections while listening to minimal information per segment without incurring subscription charges or generating advertising fees or royalty payments as taught by Logan.

Regarding Claim 4, Examiner respectfully disagrees with the applicants' assertion that Crosby does not overcome any of the deficiencies described in Claim 1.

Crosby teaches receiving downloads of the identifiers at a central hub (Column 6 lines 4 – 42, the network operations center is the central hub).

Noreen in view of Logan and Crosby teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central hub method taught above by Crosby in the digital audio broadcast system of Noreen in view of Logan for the purpose of allowing the user of said radio to review requested information at a later time via the internet using said user's computer thus enabling said user to review said information at said user's leisure.

Regarding Claims 6 – 10, Examiner respectfully disagrees with the applicants' assertion on Page 12 lines 11 – 13 of the Remarks that the statistical profiles of Parrella are "no way linked...". The statistical profiles of Parrella, which are a part of the demographic database, contain information about the persons who visit the venue. The information that makes up said statistical profiles is used to broadcast advertisements to targeted audiences at a particular venue. The only way that the advertisements can be tailored for said targeted audience is by determining the interests of the persons that make up said target audience. The only way that the interests of said persons can be determined is by causing said persons to generate responses related to their interests. The cause of said responses can be specific advertisements. The responses are compared so that a statistical profile for the interested venue is compiled thus enabling the advertisements to be tailored for said venue.

Noreen teaches broadcasting a first advertisement including a first identifier; receiving a first quantity of electronic indications from persons who observe the first advertisement, wherein the first quantity of electronic indications indicate interest in the first advertisement (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers) and wherein the first quantity of electronic indications reference the first identifier (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers); broadcasting a second advertisement including a second identifier; receiving a second quantity of electronic indications from persons who observe the second advertisement, wherein the second quantity of electronic indications indicate interest in the second advertisement (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers), and wherein the second quantity of electronic indications reference the second identifier (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers).

Noreen and Parrella both teach a digital audio broadcast system thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the statistical profiles taught above in Parrella in the digital audio broadcast system of Noreen for the purpose of carrying out targeted advertising campaigns for a targeted demographic as taught by Parrella.

Regarding Claims 11 – 17, Examiner respectfully disagrees with the applicants' assertion on Page 12 lines 17 – 20 of the Remarks "based upon similar...". Examiner respectfully disagrees for the same reasons set forth above regarding Claim 1. Noreen teaches a method for charging advertising fees comprising the steps of: broadcasting an advertisement of a sponsor and broadcasting a unique program identifier with the advertisement (Column 13 lines 15 – 32).

Steele teaches recording the unique program identifier in memory devices in response to users' indicating interest in the advertisement (Section 0046 lines 1 – 5, Section 0063).

Noreen and Steele both teach a digital radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the recording method taught above in Steele in the digital radio in Noreen for the purpose of allowing a user to play back digital audio files at a later time that is convenient for said user.

Crosby teaches downloading the unique program identifier from the memory devices to a central hub (Column 6 lines 4 – 42, the network operations center is the central hub).

Noreen in view of Steele and Crosby teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central hub method taught above by Crosby in the digital audio broadcast system of Noreen in view of Steele for the purpose of allowing the user of said radio to review requested information at a later time via the internet using said user's computer thus said user can review said information at said user's leisure.

Logan teaches charging the sponsor for each unique program identifier (Column 21 lines 33 – 50, there is a charge each time the segment is accessed).

Noreen in view of Steele and in further view of Crosby and Logan teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fee charging method taught above by Logan in the digital audio broadcast system of Noreen in view of Steele and in further view of Crosby for the purpose of allowing the user of said radio to "surf" through selections while listening to minimal information per segment without incurring subscription charges or generating advertising fees or royalty payments thus the said combination of Noreen, Steele, Logan, and Crosby overcomes the deficiencies described in Claim 11.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 3, 5, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Logan et al. (US 6,199,076 B1).

Regarding Claim 1, Noreen teaches a method for charging advertising fees, comprising the steps of: broadcasting an advertisement for a sponsor in a broadcast (Column 13 lines 15 – 32), wherein the broadcast includes an identifier that uniquely identifies the advertisement and at least one of the sponsor of the advertisement and a product advertised in the advertisement (Column 13 lines 15 – 32); receiving a quantity of electronic indications from persons who observe the advertisement, wherein the indications indicate interest in the product, and wherein the indications reference the identifier (Column 13 lines 33 – 67).

Noreen does not teach charging the sponsor a fee for broadcasting the advertisement, wherein the fee is based on the quantity of indications that are received.

Logan teaches charging the sponsor a fee for broadcasting the advertisement, wherein the fee is based on the quantity of indications that are received (Column 21 lines 33 – 50, the number of time the segment is accessed is the quantity of indications).

Noreen and Logan both teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fee charging method taught above by Logan in the digital audio

broadcast system of Noreen for the purpose of allowing the user of said radio to "surf" through selections while listening to minimal information per segment without incurring subscription charges or generating advertising fees or royalty payments.

Regarding Claim 2, Noreen in view of Logan teaches all of the claimed limitations recited in Claim 1. Noreen further teaches a time at which and a channel on which the advertisement was broadcast (Column 13 lines 23 – 27, the carrier frequency is the channel).

Regarding Claim 3, Noreen in view of Logan teaches all of the claimed limitations recited in Claim 1. Noreen further teaches receiving one of wireless messages requesting more information about the product and wireless messages requesting to purchase the product (Column 13 lines 42 – 67).

Regarding Claim 5, Noreen in view of Logan teaches all of the claimed limitations recited in Claim 1. Noreen further teaches broadcasting from at least one satellite (Figure 1, Column 12 lines 12 – 15).

Regarding Claim 18, Noreen teaches a method for charging advertising fees comprising the steps of: broadcasting an advertisement associated with a plurality of sponsors (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers, this includes an advertisement associated with a plurality of sponsors); broadcasting a unique program identifier with the advertisement (Column 13 lines 15 – 32); receiving a wireless order message to buy a product of a sponsor of the plurality of

sponsors, wherein the wireless order message references the unique program identifier (Column 13 lines 33 – 67).

Noreen does not teach charging the sponsor a fee for the wireless order message received to buy the product of the sponsor.

Logan teaches charging the sponsor a fee for the wireless order message received to buy the product of the sponsor (Column 21 lines 33 – 37, the royalty fee is the commission).

Noreen and Logan both teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fee charging method taught above by Logan in the digital audio broadcast system of Noreen for the purpose of allowing the user of said radio to "surf" through selections while listening to minimal information per segment without incurring subscription charges or generating advertising fees or royalty payments.

Regarding Claim 19, Noreen in view of Logan teaches all of the claimed limitations recited in Claim 18. Noreen further teaches broadcasting form at least one satellite (Figure 1, Column 12 lines 12 – 15).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Logan et al. (US 6,199,076 B1) and in further view of Crosby et al. (US 6,628,928).

Regarding Claim 4, Noreen in view of Logan teaches all of the claimed limitations recited in Claim 1. Noreen in view of Logan does not teach receiving downloads of the identifiers at a central hub.

Crosby teaches receiving downloads of the identifiers at a central hub (Column 6 lines 4 – 42, the network operations center is the central hub).

Noreen in view of Logan and Crosby teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central hub method taught above by Crosby in the digital audio broadcast system of Noreen in view of Logan for the purpose of allowing the user of said radio to review requested information at a later time via the internet using said user's computer thus said user can review said information at said user's leisure.

5. Claims 6 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Parrella et al. (US 6,507,764 B1).

Regarding Claim 6, Noreen teaches broadcasting a first advertisement including a first identifier; receiving a first quantity of electronic indications from persons who observe the first advertisement, wherein the first quantity of electronic indications indicate interest in the first advertisement (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers) and wherein the first quantity of

electronic indications reference the first identifier (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers); broadcasting a second advertisement including a second identifier; receiving a second quantity of electronic indications from persons who observe the second advertisement, wherein the second quantity of electronic indications indicate interest in the second advertisement (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers), and wherein the second quantity of electronic indications reference the second identifier (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple identifiers and a quantity of electronic indications in response to said identifiers).

Noreen does not teach comparing the first quantity with the second quantity.

Parrella teaches comparing the first quantity with the second quantity (Column 1 lines 60 – 67, Column 2 lines 1 – 9, the statistical profiles are developed by comparing the responses to the advertising broadcasted by the digital broadcast system thus this is an inherent characteristic).

Noreen and Parrella both teach a digital audio broadcast system thus it would have been obvious to one of ordinary skill in the art at the time the invention was made

to use the statistical profiles taught above in Parrella in the digital audio broadcast system of Noreen for the purpose of carrying out targeted advertising campaigns for a targeted demographic.

Regarding Claim 7, Noreen in view of Parrella teaches all of the claimed limitations recited in Claim 6. Noreen further teaches wherein the first advertisement and the second advertisement are the same and wherein the step of broadcasting the first advertisement occurs at a different time of day than the step of broadcasting the second advertisement (Column 4 lines 23 - 40, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers on multiple channels, the content can also be the same thus this is an inherent characteristic).

Regarding Claim 8, Noreen in view of Parrella teaches all of the claimed limitations recited in Claim 6. Noreen further teaches wherein the first advertisement and the second advertisement are the same, and wherein the step of broadcasting the first advertisement occurs on a different channel than the step of broadcasting the second advertisement (Column 4 lines 23 – 40, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers on multiple channels, the content can also be the same thus this is an inherent characteristic).

Regarding Claim 9, Noreen in view of Parrella teaches all of the claimed limitations recited in Claim 6. Noreen further teaches wherein the first advertisement and the second advertisement are different, wherein the first advertisement is broadcast at a particular time of day and on a certain channel, and wherein the second advertisement is broadcast at the particular time of day and on the certain channel

(Column 4 lines 23 – 40, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers on multiple channels thus this is an inherent characteristic).

Regarding Claim 10, Noreen in view of Parrella teaches all of the claimed limitations recited in Claim 6. Noreen further teaches broadcasting from at least one satellite (Figure 1, Column 12 lines 12 – 15).

6. Claims 11 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (5,303,393) in view of Steele et al. (US 2002/0046084 A1) in further view of Crosby et al. (US 6,628,928 B1) and in further view of Logan et al. (US 6,199,076 B1).

Regarding Claim 11, Noreen teaches a method for charging advertising fees comprising the steps of: broadcasting an advertisement of a sponsor and broadcasting a unique program identifier with the advertisement (Column 13 lines 15 – 32).

Noreen does not teach recording the unique program identifier in memory devices in response to users' indicating interest in the advertisement.

Steele teaches recording the unique program identifier in memory devices in response to users' indicating interest in the advertisement (Section 0046 lines 1 – 5, Section 0063).

Noreen and Steele both teach a digital radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the recording method taught above in Steele in the

digital radio in Noreen for the purpose of allowing a user to play back digital audio files at a later time that is convenient for said user.

Noreen in view of Steele does not teach downloading the unique program identifier from the memory devices to a central hub.

Crosby teaches downloading the unique program identifier from the memory devices to a central hub (Column 6 lines 4 – 42, the network operations center is the central hub).

Noreen in view of Steele and Crosby teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central hub method taught above by Crosby in the digital audio broadcast system of Noreen in view of Steele for the purpose of allowing the user of said radio to review requested information at a later time via the internet using said user's computer thus said user can review said information at said user's leisure.

Noreen in view of Steele and in further view of Crosby does not teach charging the sponsor for each unique program identifier that is downloaded.

Logan teaches charging the sponsor for each unique program identifier (Column 21 lines 33 – 50, there is a charge each time the segment is accessed).

Noreen in view of Steele and in further view of Crosby and Logan teach a radio that receives digital audio broadcasts thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fee charging method taught above by Logan in the digital audio broadcast system of Noreen in view

of Steele and in further view of Crosby for the purpose of allowing the user of said radio to "surf" through selections while listening to minimal information per segment without incurring subscription charges or generating advertising fees or royalty payments.

Regarding Claim 12, Noreen in view of Steele in further view of Crosby and in further view of Logan teaches all of the claimed limitations recited in Claim 11. Steele further teaches downloading to a portable device via one of a wireless and a temporary wired connection and employing the portable device to effect the downloading (Section 0070 lines 3 – 5, the connection to the internet gateway is a temporary wired connection).

Regarding Claim 13, Steele teaches all of the claimed limitations recited in Claim 12. Steele further teaches a personal digital assistant (Section 0072 lines 3 – 4).

Regarding Claim 14, Steele teaches all of the claimed limitations recited in Claim 12. Steele further teaches one of an infrared link and a radio frequency link (Section 0072 line 3).

Regarding Claim 15, Noreen in view of Steele in further view of Crosby and in further view of Logan teaches all of the claimed limitations recited in Claim 11. Noreen further teaches presenting a second advertisement of a sponsor (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple advertisements), Crosby further teaches a central hub (Column 6 lines 4 – 42), receiving click-through commands from users to activate the second advertisement (Column 6 lines 4 – 42, the user can access websites via the internet to purchase

advertised products thus the click-through commands are inherent); launching an order screen of the second advertisement that presents a product for sale; passing the unique program identifier to the order screen (Column 6 lines 4 – 42, the user can access websites via the internet to purchase advertised products thus an order screen is inherent); accepting an order for the product and associating the order with the unique program identifier (Column 6 lines 4 – 42, the user can access websites via the internet to purchase advertised products thus accepting an order for said advertised product is inherent); Logan further teaches charging the sponsor a commission on the order (Column 21 lines 33 – 37, the royalty fee is the commission).

Regarding Claim 16, Noreen in view of Steele in further view of Crosby and in further view of Logan teaches all of the claimed limitations recited in Claim 11. Noreen further teaches presenting a second advertisement of a second sponsor (Column 4 lines 23 - 40, Column 13 lines 15 – 67, this is a digital broadcast radio satellite system that broadcasts multiple content nationwide to multiple subscribers thus there will be multiple advertisements), Crosby further teaches a web site (Column 6 lines 4 – 42), receiving click-through commands from users to activate the second advertisement (Column 6 lines 4 – 42, the user can access websites via the internet to purchase advertised products thus the click-through commands are inherent); launching an order screen of the second advertisement that presents a product for sale; passing the unique program identifier to the order screen (Column 6 lines 4 – 42, the user can access websites via the internet to purchase advertised products thus an order screen is inherent); accepting an order for the product and associating the order with the unique

program identifier (Column 6 lines 4 – 42, the user can access websites via the internet to purchase advertised products thus accepting an order for said advertised product is inherent); Logan further teaches charging the sponsor a commission on the order (Column 21 lines 33 – 37, the royalty fee is the commission).

Regarding Claim 17, Noreen in view of Steele in further view of Crosby and in further view of Logan teaches all of the claimed limitations recited in Claim 11. Noreen further teaches broadcasting from at least one satellite (Figure 1, Column 12 lines 12 – 15).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S Dean whose telephone number is 703-305-8998. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raymond S. Dean
January 5, 2004

NAY MAUNG
SUPERVISORY PATENT EXAMINER